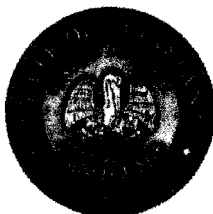




**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	TVG-MVK-2009-803
EVALUATOR:	Ms. Tarmiko Graham
PHONE NO.:	(601) 631-5540
FAX NO.:	(601) 631-5459
E-MAIL:	regulatory@usace.army.mil
DATE:	February 10, 2010
EXPIRATION DATE:	March 2, 2010

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Louisiana Department of Environmental Quality, Office of Environmental Services are considering an application for a Department of the Army Permit and State Water Quality Certification for the work described herein. A water quality certification is required in accordance with statutory authority contained in the LRS 30:2074 A (3) and provisions of the Clean Water Act. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, at the above address, and the Louisiana Department of Environmental Quality, Office of Environmental Services, Post Office Box 4313, Baton Rouge, Louisiana 70821-4313, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:

Mr. Milton Marshall
KAM Enterprises
Post Office Box 356
Pearl River, Louisiana 70452

Name of Agent

Mr. Patrick Chubb
PAC Services, LLC
11040 Pin Oak Drive
Biloxi, Mississippi 39532

Location of Work: Section 41, T8S-R14E, latitude 30.37343° longitude -89.74359°, within the Pearl River Drainage Basin, St. Tammany Parish, Louisiana.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for an after-the-fact Department of the Army permit to discharge dredged and/or fill material into an unnamed tributary of the West Pearl River in St. Tammany Parish, Louisiana. The applicant's stated purpose of the completed project is to provide commercial development opportunities in the form of upland disposal, construction material storage, and construction for raw material stockpiling. The project site is a historical surface mine excavated for railroad and subsequent interstate construction.

The unauthorized work involved the placement of dredged and/or fill material into jurisdictional waters. A total of approximately 8.97 acres of other waters of the United States were present prior to the unauthorized fill. Approximately 5.06 acres (1,735 linear feet) of an intermittent stream containing a portion of a borrow pit and an excavated ditch were impacted by the proposed project. Approximately 1.5 acres of jurisdictional wetlands and 0.6 acre (1,200 linear feet) of an intermittent stream (other waters of the United States) would be impacted by the proposed project.

Approximately 13,552 cubic yards of earthen fill material was discharged into other waters for the unauthorized work at the site. The applicant is proposing to discharge an additional 10,164 cubic yards of earthen fill material into jurisdictional wetlands and other waters at the site, to be used for construction of the proposed project. Fill material would be obtained from adjacent uplands on-site. All materials would be clean and free of contaminants.

Vegetation within the project site consists of *Rhynchospora spp.*, *Carex spp.*, and *Juncus roemerianus*. Soils within the project site consists of myatt fine sandy loam, frequently flooded, stough fine sandy loam, and cahaba fine sandy loam.

The proposed project site was purchased by KAM Enterprise in 2003. At that time, the property was purchased for commercial investment reasons. This proposed project was not realized until the onset of Hurricane Katrina in August 2005. Immediately after Hurricane Katrina, the site was used as an emergency residential trailer site, heavy equipment mobilization staging area, and general debris storage area. No other sites were analyzed.

Approximately 1.5 acres of jurisdictional wetlands and 0.6 acre (1,200 linear feet) of other waters of the United States would be impacted by the proposed project. Unauthorized work has impacted approximately 5.06 acres (1,735 linear feet) of an intermittent stream (other waters of the United States). As compensation for these impacts, the applicant proposes on-site mitigation as well as purchasing wetland credits from an approved mitigation bank.

The placement of dredged and/or fill material in waters of the United States, including wetlands, requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: An initial review by the Corps' Regulatory Archaeologist indicates that the proposed project would not affect cultural resources listed, or eligible for listing, in the National Register of Historic Places. Cultural resources include prehistoric and historic archeological sites and areas or structures of cultural interest which occur in the permit area. Copies of this notice have been sent to the State Historic Preservation Officer, the Corps' Regulatory Archaeologist, Federally Recognized Tribes, and other interested parties, for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work is not likely to adversely affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.


Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected

adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

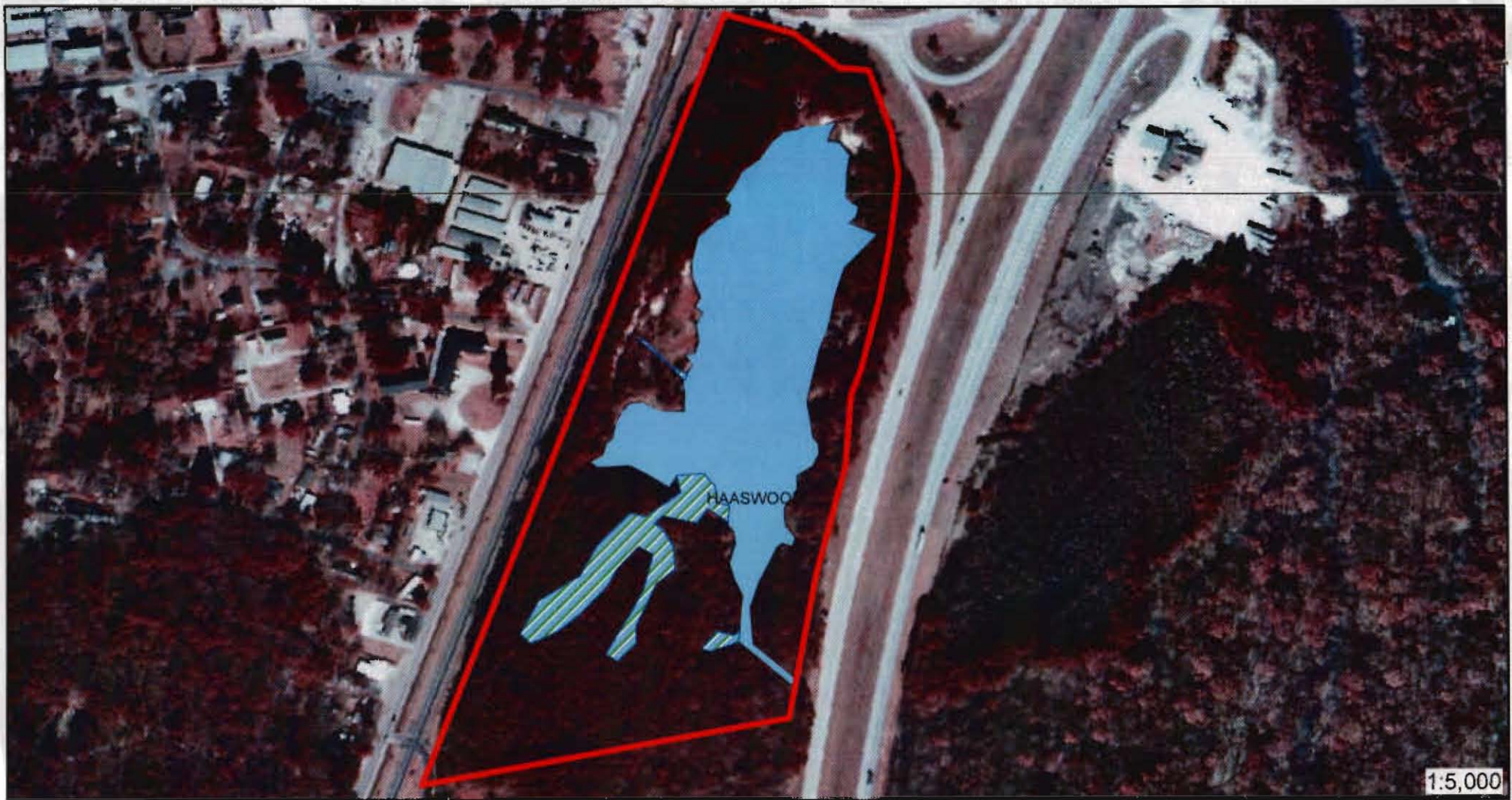
Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.



Anne S. Woerner
Chief, Evaluation Section
Regulatory Branch



St. Tammany Parish, LA



Legend

- Approximate Project Boundary
- Jurisdictional Wetlands
- Jurisdictional Other Waters



14 October 2009
MVK-2009-803

Unauthorized Placement of Dredge
& Fill Material into Waters of the United States

Kelley & Milton Enterprises, LLC
Mr. Milton Marshall &
Mr. Kelley Barber

Section 41, T8S-R14E
Nicholson, Louisiana Quadrangle &
Haaswood, Louisiana Quadrangle
2004, DOQQ Aerial Imagery

St. Tammany Parish, Louisiana

Approved
Jurisdictional Determination

Prepared by:
David W. Carraway



**US Army Corps
of Engineers®**



Regulatory Branch

Enforcement Section

0 250 500
Feet







CEMVK-OD-FE TVG-MVK-2009-803

KAM ENTERPRISES

1:6,000

Legend

-  Approximate Project Boundary
-  Approximate Extent of Wetlands
-  Approximate Extent of Other Waters Post Unauthorized Fill
-  Approximate Extent of Other Waters Prior to Unauthorized Fill



KAM ENTERPRISES SITE
+/- 30.02 AC (PER PLS)
Pearl River, Louisiana
St. Tammany Parish



— 100-FT

Property Boundary from PLS
Survey and GPS Locations

NOTES:
THE PROPOSED PROJECT INVOLVES:

-  100-DIAMETER STOCKPILES OF RUBBLE/ROCK
-  CONTAINER/TRAILER STORAGE

